



Office of the Governor

P-16 ADVISORY COUNCIL January 11, 2012

DRAFT Summary Report of Meeting

The P-16 Advisory Council held a meeting on Wednesday, January 11, 2012 in the Guinn Room of the Capitol Building in Carson City with videoconference to the conference room of the Governor's Office in the Grant Sawyer Building in Las Vegas. The agenda is included with this report as Attachment A.

Council members present in Carson City: Caryn Swobe
Stacy Woodbury
Superintendent Keith Rheault

Council members present in Las Vegas: Senator Barbara Cegavske, Chair
Senator Joseph Hardy, Vice Chair
Trustee Erin Cranor
Assemblywoman Lucy Flores
Sue Daellenbach
Linda Johnson

Governor's Office staff present in Carson City: Judy Osgood

Governor's Office staff present in Las Vegas: Monica Phillips

Audience signed in as attending in Carson City:
Lindsay Anderson, Washoe County School District
Pepper Sturm, Legislative Council Bureau
Mindy Martini, Legislative Council Bureau
Wayne Thurley, Legislative Council Bureau
Glenn Meyer, Nevada Department of Education
Sean Whaley, Nevada News Bureau
Gail Krolick, Catamount Fund
Paul LaMarca, Washoe County School District
Crystal Abba, Nevada System of Higher Education
Linda Heiss, Nevada System of Higher Education
Paul Vargas, Pearson
Margot Chappel, Nevada Health and Human Services

Audience signed in as attending in Las Vegas:
Venus Fajota, Department of Employment, Training and Rehabilitation
Dennis Perea, Department of Employment, Training and Rehabilitation
Kathleen Conaboy, K12, Inc.
Craig Stevens, NSEA

Call to Order and Roll Call

Chair Senator Cegavske called the meeting to order at 9:04 a.m. Council members were asked to introduce themselves for roll call.

Approval of November 9, 2011 meeting minutes

Chair Senator Cegavske asked for a motion to approve the minutes from the last meeting. The motion was seconded and the minutes were approved with no opposition or comment.

Public Comments

None

Nomination of advisory liaisons

Chair Senator Cegavske explained the role that would be played by liaisons to the Council and requested nominations. Two nominations were offered for the early learning liaison position. Erin Cranor nominated Kim Wooden from Clark County School District and indicated that Ms. Wooden is interested in serving. Margot Chappel nominated herself and explained that she currently serves as the early learning coordinator on Nevada's Early Childhood Advisory Council. Dennis Perea nominated himself to serve as the liaison from DETR. Craig Steven from NSEA stated that he is still collecting names to nominate as an educator liaison and would forward these nominations to the Chair after the meeting.

The Council will continue to solicit nominations and vote on all submitted nominations at the next meeting.

Important data updates

Judy Osgood, Policy Analyst, Office of the Governor, provided the Council with an overview of the new FERPA regulations (Attachment B) and discussed the relevance of the work being done by the Teachers and Leaders Council (Attachment C).

Glenn Meyer, Director of Information Technology, Nevada Department of Education, provided an overview of Nevada's 2012 Statewide Longitudinal Data System grant application that was submitted on December 15th. 33 states were eligible to apply for the grant. The grant, if received, will be effective July 1, 2012 and provide \$4 million over three years. The grant will fund the creation of an external matching hub system that will allow records to be exchanged between NDE and NSHE. The Council asked a number of questions related to ongoing sustainability of the grant project and feasibility of a comprehensive statewide longitudinal data system. Glenn explained that the grant funding will not support a full statewide system, which could cost between \$50 and \$100

million. However, even without a full statewide system in place, a data matching hub funded by the grant will be a useful step in the right direction. If the grant funding is not received, NDE and NSHE will need to continue manually sharing data.

Keith Rheault, Superintendent of Public Instruction, Nevada Department of Education, provided an overview of the Elementary and Secondary Education Act (ESEA) waiver application, which is included as Attachment D. The application is due February 21.

Proposed vision for Nevada's longitudinal data system

The Council discussed the creation of a vision for a statewide data system and reviewed vision statements from other states. Mindy Martini, LCB Senior Research Analyst, was invited to provide input about the various vision statements that have been created by other states. The Council liked the language found in Florida's vision statement and discussed various changes to the language. A proposed vision statement will be distributed to Council members before the next meeting for consideration.

Overview of data governance structures

Judy Osgood provided a presentation about governance structures, which is included at Attachment E. The Council discussed the importance of providing non-elected decision-makers with authority to take action. Member Trustee Cranor stated that Nevada should look to other states that are at the same stage Nevada is at. Member Linda Johnson asked how private schools and charter schools can get involved with this effort, and raised the possibility of including a private school liaison.

Work group assignments and meeting schedule

Chair Senator Cegavske explained that formal work groups would not be formed at this time. Three individual Council members were assigned to gather information in the following general areas to report back to the Council at the next meeting:

- Data governance: Stacy Woodbury
- Resource needs: Assemblywoman Flores
- Policy: Sue Daellenbach

The Council did not designate a time for its next meeting. Chair Senator Cegavske indicated that Judy Osgood is available as a resource and to provide support to members who are gathering information.

Public Comment

None

The meeting was adjourned at 11:30 a.m.

Attachment A

Agenda



**STATE OF NEVADA
OFFICE OF THE GOVERNOR BRIAN SANDOVAL**

PUBLIC NOTICE OF MEETING

P-16 ADVISORY COUNCIL

Wednesday, January 11, 2012 at 9:00 a.m.

Simultaneous Videoconference:

State Capitol Building Annex
Guinn Room (2nd floor)
101 North Carson Street
Carson City, Nevada

Grant Sawyer State Office Building
Suite 5100
555 East Washington Avenue
Las Vegas, Nevada

AGENDA

In accordance with Nevada's Open Meeting Law, the Council reserves the right to consider agenda items out of order. The Council may combine two or more agenda items for consideration and remove an item from the agenda or delay discussion relating to an item on the agenda at any time. The Council Chair reserves the right to call on individuals from the audience or to allow for public comment at any time. The Council reserves the right to limit public comment to five minutes.

1. Call to order; Roll call - Senator Cegavske, Chair
2. Approval of November 9, 2011 meeting minutes - Senator Cegavske, Chair (for possible action)
3. Public comments
4. Nomination of advisory liaisons - Senator Cegavske, Chair (for possible action)
5. Important data updates (for possible action)
 - New FERPA Regulations – Judy Osgood, Policy Analyst, Office of the Governor
 - Overview of Teachers and Leaders Council Work – Judy Osgood, Policy Analyst, Office of the Governor
 - Overview of 2012 SLDS Grant Application – Glenn Meyer, Director of Information Technology, Nevada Department of Education
 - Overview of the Elementary and Secondary Education Act (ESEA) Waiver Application – Keith Rheault, Superintendent of Public Instruction, Nevada Department of Education

6. Proposed vision for Nevada's longitudinal data system – Senator Cegavske, Chair (for possible action)
7. Overview of data governance structures – Senator Cegavske, Chair and Judy Osgood, Policy Analyst, Office of the Governor (for possible action)
8. Work group assignments and meeting schedule - Senator Cegavske, Chair (for possible action)
9. Public Comments
10. Adjournment

Minutes for this meeting will be produced in a summary format.

Reasonable efforts will be made to assist and accommodate disabled person(s) attending the meeting. Please call Rebecca Josten at (775) 684-5670 in advance if special arrangements are necessary.

Notice of this meeting was posted at the following Carson City, Nevada locations:

Capitol Building, Main Floor and Basement, 101 North Carson Street
Nevada State Library & Archives, 100 North Stewart Street
Department of Education, 700 East Fifth Street
Legislative Building, 401 South Carson Street

Notice of this meeting was emailed for posting to the following Nevada locations: the 17 Nevada County School District Superintendents' Offices, the offices of the Department of Education in Las Vegas, and the Grant Sawyer State Office Building in Las Vegas.

Notice of this meeting was posted on the internet through the Governor's website at <http://gov.nv.gov/>.

Attachment B

Overview of FERPA Regulations

U.S. Department of Education Final FERPA Regulations: Advisory and Overview

Prepared by EducationCounsel, LLC for the Data Quality Campaign on December 2, 2011

Overview

The U.S. Department of Education (ED) today published in the Federal Register new final amendments to regulations implementing the Family Educational Rights and Privacy Act (FERPA). The amended regulations take effect January 3, 2012. They are based on proposed regulations issued by the Department on April 8, 2011, and on the Department's review of 274 public comments submitted in response to the proposed regulations. The final regulations include several changes from the proposed regulations, but are fully consistent with the substantive provisions in the proposed regulations designed to foster more comprehensive use of student data for educational research, evaluation, accountability, and improvement purposes, while enhancing privacy protections and enforcement.

FERPA protects the privacy of student education records maintained by or for educational agencies or institutions that receive funds from ED.¹ FERPA generally bars disclosure of personally identifiable information derived from student records without written parent or eligible student consent unless the disclosure comes within a list of authorized disclosures in the law. With the emergence of state data systems and the recognition that robust use of student data is foundational for education reform, difficult issues have arisen as to how to reconcile or balance privacy protections for students under FERPA with these educational needs. For years, states have asked for clarity on these issues. ED's previous FERPA interpretations and inconsistent guidance have created ambiguity, left states to interpret guidance in conflicting ways, and created a chilling effect among state and local educators in their efforts to use education data consistent with state and local needs and with federal mandates. In regulations issued under the American Recovery and Reinvestment Act of 2009 (ARRA), ED indicated that it would be issuing amended FERPA regulations to address these issues.

The regulations transform the FERPA issue, as it relates to education reform efforts, from *whether* student data may be used for important educational purposes to *how* student data may be used for these purposes. They:

- **Reflect the new reality of state longitudinal data systems:** The regulations clarify, strengthen, and update an outdated federal law to reflect states' roles in administering state data systems and responsible stewardship of student-level data.
- **Clarify existing ambiguities for states:** After seven years of piecemeal and inconsistent guidance, the regulations provide clear answers to states' fundamental questions so that they can effectively move ahead with their responsibilities.
- **Balance access with protection:** The regulations facilitate fuller access for research and evaluation purposes to student data contained in state and local data systems in order to increase transparency and inform accountability for educational outcomes and to contribute to a culture of innovation and continuous improvement in education, while at the same time enhancing privacy protections and ED enforcement mechanisms.
- **Provide consistency with federal data requirements:** The regulations reflect ED's view (stated in the preamble) of the possible impact of prior FERPA regulations and interpretations on the level of state-level student data sharing contemplated under the ARRA and other federal legislation.
- **Promote the efficient use of data system investments:** The regulations authorize fuller, more cost effective use of state-level student data for research, evaluation, and accountability, subject to clear privacy protections, as well as effective use of data across all levels of education to evaluate and improve education programs.

¹ FERPA also provides access to student records for parents or -- for students who are 18 years of age or above or enrolled in a postsecondary institution -- the student ("eligible student"), and a right for the parent or eligible student to challenge the accuracy of the record.

Key Areas of Change from Prior Regulations

State and local data systems - The regulations broaden access to data² by:

- Broadening the categories of individuals/entities that may receive data for evaluation/audit purposes.***
 Subject to privacy safeguards discussed below, the regulations permit disclosure of data to any entity or person designated by the state or local educational authority for the purpose of evaluating or auditing federal or state-supported education programs, or enforcing compliance with federal legal requirements relating to those programs. Thus, a state or local education official may disclose data to a workforce agency or other non-education agency for these purposes. This change also permits education data to be housed in a centralized state data agency that is not an education agency. (The rule does not permit disclosure of data to a non-education agency for its own purposes—for example, to evaluate or strengthen non-education programs or services.)
- Authorizing disclosures from postsecondary institutions/data systems to K-12 officials/data systems and from K-12 agencies/data systems to publicly funded early childhood learning programs/data systems.***
 The regulations reverse ED's prior interpretation that data could be disclosed only to evaluate or audit programs of the disclosing agency.³ That previous interpretation barred postsecondary institutions from disclosing data to local school districts if the purpose was to evaluate how well the K-12 system or secondary schools had prepared students for college. It had a parallel effect on the disclosure of data by elementary schools to publicly funded early childhood learning programs, an effect also reversed by the new regulations.
- Broadly defining education programs under the law's evaluation/audit provisions.***
 The regulations broadly define an "education program" that may be the subject of an evaluation or audit (for purposes of authorizing a disclosure of student data) to mean any program that is principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education. The final regulation was revised to provide that any program administered by an educational agency or institution is considered an education program, but the preamble also expresses ED's view that the definition includes education programs administered by any entity. The final regulations also add a broad definition of early childhood education programs for this purpose (derived from a definition in section 103(8) of the Higher Education Act) including Head Start-related programs; a state licensed or regulated child care program; or a program that serves children from birth through age six that addresses the children's cognitive and physical development and is a state pre-kindergarten program, a program authorized under Section 619 or Part C of the Individuals with Disabilities Education Act, or a program operated by a local educational agency.
- Authorizing state or local agency disclosures for research studies.***
 The regulations provide that nothing in FERPA prevents a state or local education authority from [1] entering into agreements with organizations conducting research studies (for example, to improve instruction) and [2] re-disclosing data to such organizations for such studies on behalf of schools, postsecondary institutions, or school districts (subject to the same kind of agreement to protect privacy that already applies to schools, postsecondary institutions, and school districts making such disclosures). This provision, for the first time, makes the research studies provision in FERPA applicable to state-level data. The preamble to the regulations recognizes that state educational agencies and state higher education agencies typically have either express or implied authority to perform and support research to improve instruction in publicly funded education programs for the benefit of multiple educational agencies and institutions in their state.
- Clarifying, in the preamble, that nothing in FERPA bars interstate disclosures*** that are made for the purposes and consistent with the requirements of the regulations.

² References in this summary analysis to "data" and to "disclosures" refer to personally identifiable information and disclosures of personally identifiable information derived from student education records without the written consent of a parent or eligible student.

³ That interpretation was based on USED's interpretation of a regulatory provision – repealed by these new regulations – indicating that an education agency must have express legal authority to conduct the evaluation that is the basis for the disclosures.

New Privacy Safeguards - The regulations balance the provisions for expanded access, described above, with new provisions to protect the privacy of student records, including:

- ***Reasonable methods to ensure compliance.***
The regulations vest responsibility in the state or local education authority to use "reasonable methods" to ensure "to the greatest extent practicable" that any entity designated as its authorized representative to receive data to conduct evaluations, audits, or compliance activities — [1] uses student data only for authorized evaluation, audit, or compliance purposes; [2] protects the data from further disclosure or other uses; and [3] destroys the data when no longer needed for the authorized purpose. A number of public comments proposed very prescriptive methods to this end, but the Department elected to leave flexibility to state and local agencies, while at the same time issuing non-binding guidance that accompanies the regulations on the Department's web-site with information on "best practices" in this area.
- ***Written agreements with authorized representatives.***
The regulations require written agreements that address privacy safeguards between the state or local education authority and its authorized representative to which it provides data to carry out evaluations, audits or compliance activities. The agreements, among other things, must designate the authorized representative as such; specify the information to be disclosed; describe the activity with sufficient specificity to make clear that it comes within an authorized purpose; provide for the destruction of the data when no longer needed for the authorized purpose (and the time period for such destruction); and establish policies and procedures to protect the student data from further disclosure and unauthorized use, including limiting use of the data to authorized representatives with legitimate interests in the purposes of the disclosure.

Strengthened Enforcement. The regulations also provide for strengthened enforcement of FERPA:

- ***Debarring access for violations.***
The regulations provide that if an authorized representative that receives data to perform evaluations, audits, or compliance activities or any other recipient of disclosures under FERPA (including a state or local educational agency) improperly re-discloses the data in violation of FERPA, the educational institution or authority that provided the data would be required to deny that recipient further access to personally identifiable data for at least five years.
- ***Expanded jurisdiction for investigations and enforcement.***
The regulations provide that state education authorities and other recipients of funds from ED – not just educational agencies and institutions that enroll students -- are subject to investigations and enforcement, including possible withholding of funds, for FERPA violations. They also require other third party recipients of data to comply with reporting and informational requirements of the Department in enforcing FERPA.
- ***Investigation/Enforcement procedures.***
The regulations clarify that complaints of FERPA violations may be filed with USED's Family Policy Compliance Office (FPCO) by parents or students; FPCO may investigate a possible violation in the absence of a complaint; and, if FPCO finds a violation, it will give the non-compliant agency or institution an opportunity to come into voluntary compliance before taking any enforcement action, including a funds withholding action and an action to debar an agency or institution for at least 5 years from receiving further student data from the disclosing agency or institution.

Other provisions: The regulations include other provisions, all regarding directory information⁴:

- ***Student ID numbers as directory information.***
The regulations reiterate a prior regulation that an educational agency or institution, subject to restrictions, may designate as disclosable directory information a student ID number or other unique personal identifier

⁴ "Directory information" is personally identifiable information in a student's education record – such as a student's name, address, dates of attendance, major field of study, etc. – that would not generally be considered harmful or an invasion of privacy if disclosed. An educational agency may adopt a policy to disclose all or some categories of directory information without written parent (or eligible student) consent and provide annual notice to parents or eligible students of that policy. A parent or eligible student has an opt out right to require that directory information relating to the student not be disclosed without prior written consent.

(other than a student's social security number) displayed on a student ID card or badge.

- **No opt out for student IDs/badges.**

Based on school security and safety concerns, the regulations provide that parents (or eligible students) may not use their right to opt out of directory information disclosures to prevent an educational agency or institution from requiring students to disclose the student's name, identifier, or email address in a class in which the student is enrolled or prevent the agency or institution from requiring the student to wear or otherwise publicly disclose student ID badges or cards designated as directory information.

- **Limited recipients/purposes for directory information disclosures.**

The regulations clarify that an educational agency or institution may adopt a directory information policy limited to disclosure to specific parties, for specific purposes, or both – and not just a directory information policy for disclosure of directory information to the public – if it specifies those limits in the annual public notice it provides to parents and eligible students. The rule would not impose record-keeping requirements for these disclosures or regulate re-disclosure by third parties that receive the directory information.

Guidance The regulations, as posted on the Department's web-site, include as appendices A-C, respectively:

- guidance on reasonable methods and agreements to ensure FERPA compliance by authorized representatives of state and local education authorities, including helpful information on best practices;
- a model notification of FERPA rights for elementary and secondary schools; and
- a model notification of FERPA rights for postsecondary institutions. (Notification of rights to parents or students is required under FERPA regulations.)

Prepared by EducationCounsel, LLC for the Data Quality Campaign on December 2, 2011

If you have questions about FERPA or about the proposed regulations, please contact EducationCounsel, LLC:

Steve Winnick at steve.winnick@educationcounsel.com or (202) 545-2913;
Art Coleman at arthur.coleman@educationcounsel.com or (202) 245-2912;
Scott Palmer at scott.palmer@educationcounsel.com or (202)545-2916;
Kate Lipper at kate.lipper@educationcounsel.com or (202) 545-2905.

Attachment C

Measuring Teacher Effectiveness

Significant State Data Capacity is Required to Measure and Improve Teacher Effectiveness

- **States Increasingly Focus on Improving Teacher Effectiveness:** There is significant activity at the local, state, and federal levels to measure and improve teacher effectiveness, with an unprecedented focus on the use of student achievement as a primary indicator of effectiveness.
- > 23 states require that teacher evaluations include evidence of student learning in the form of student growth and/or value-added data (NCTQ, 2011).
 - > 17 states and DC have adopted legislation or regulations that specifically require student achievement and/or student growth to “significantly” inform or be the primary criterion in teacher evaluations (NCTQ, 2011).
- **States Need Significant Data Capacity to Do This Work:** These policy changes have significant data implications.
- > The linchpin of all these efforts is that states must *reliably* link students and teachers in ways that capture the complex connections that exist in schools.
 - > If such data is to be used for high stakes decisions—such as hiring, firing, and tenure—it must be accepted as valid, reliable, and fair.
 - > Teacher effectiveness data can be leveraged to target professional development, inform staffing assignments, tailor classroom instruction, reflect on practice, support research, and otherwise support teachers.
- **Federal Policies Are Accelerating State and Local Efforts:** Federal policies increasingly support states’ efforts to use student achievement data to measure teacher effectiveness.
- > Various competitive grant funds, including the Race to the Top grants and the Teacher Incentive Fund, require states to implement teacher and principal evaluation systems that take student data into account.
 - > States applying for NCLB waivers, including the 11 that submitted requests in November 2011, must commit to implementing teacher and principal evaluation and support systems.
 - > Proposals for Elementary and Secondary Education Act reauthorization from across the political spectrum require or support states to implement teacher effectiveness models based on student achievement.

Data for Action 2011: Just the Facts**Q: Can states measure teachers’ impact on student achievement?**

A: Every state collects data on students and teachers. Measuring teacher effectiveness based on student achievement and growth requires matching teacher data to student data by course—known as the teacher-student data link (TSDL).



- 44 states link teachers and students by course.
- 26 states are specifically linking teachers to at least one type of student growth data, including 11 states using a value-added model.

Q: Are states’ teacher-student data links high quality and reliable?

A: A high-quality teacher-student data link connects students and teachers in ways that capture the complex connections that exist in schools. The recommended practices and processes summarized below help ensure that the data and the teacher-student link are accepted as high quality, reliable, and fair by critical stakeholders, particularly teachers.

- Many states have made progress implementing one or more of the recommended practices and processes.
- 13 states (AL, AR, DE, FL, HI, ID, NY, OH, PA, PR, RI, TN, VA) report that they are implementing policies and practices that demonstrate progress on all four recommended practices below.

Recommended Practice

National Landscape

<p>Statewide definition of <i>teacher of record</i>: To accurately attribute student learning to the appropriate educators, the state needs a statewide definition of <i>teacher of record</i> that clearly defines how to allocate responsibility for students' learning to specific teachers.</p>	<p>25 states report a statewide definition of teacher of record, but only 10 states (AR, CO, DE, FL, HI, NY, OH, PA, TN, WI) have a statewide teacher of record definition that reflects current promising practices by focusing on educators who provide instruction and allowing for multiple educators to be included.</p>
<p>Ability to link multiple teachers to a student for a particular course: To capture complex relationships, the state's data system must be able to link more than one educator per student per course.</p>	<p>38 states can connect more than one teacher per student per course.</p>
<p>Accurate and up-to-date state data</p> <p>Roster verification process: To ensure data quality and assure teachers that decisions are based on valid, reliable, and fair information, teachers and principals must be given an opportunity to verify their student rosters and submit corrections.</p> <p>Collect data multiple times: Students' and teachers' schedules often change during the school year, so states must collect data multiple times during the year.</p>	<p>22 states have a roster verification process in place.</p> <p>35 states collected data multiple times during the year.</p>

THE BOTTOM LINE

- The majority of states have the basic data infrastructure necessary to measure teacher effectiveness based on student achievement.
- However, many states currently lack the policies and processes (described above) necessary to ensure that the data and the teacher-student link are high quality and reliable for critical stakeholders, particularly teachers. States are beginning to focus on the quality practices that should drive this work: a statewide definition of *teacher of record*, the ability to link multiple educators to students, and practices to ensure state-level data are accurate and up-to-date. Many states are currently working on these issues and learning from the experiences of leading states. We expect states to make significant progress in the coming year.
- States are also beginning to leverage their investments in statewide data systems to provide powerful information that will help inform efforts to improve teacher effectiveness.

States to Watch

- **Five states—Arkansas, Florida, Georgia, Louisiana, and Ohio**—are participating in the Teacher-Student Data Link Project, a cross-state, collaborative effort focused on developing a common, best-practice definition of *teacher of record* and business processes for collecting and validating linked teacher and student data. GA and LA are close to finalizing their teacher of record definitions.
- **DC** is further along in this work than many states and is in its third year of using teacher performance data to make critical personnel decisions; TN is currently in their first year.
- **Ohio** recently published its statewide teacher of record definition, which focuses on educators who provide instruction and includes multiple educators.
- **Tennessee** was the first state to develop and use multiple years of student data to estimate the value that has been added to the child's education by schools or individual teachers. The Tennessee Value-Added Model is highlighted in DQC's *Profiles from the Field* and is considered among the best *because* of the quality of the teacher-student data link behind the measure.

Related and CITED Resources

- Data Quality Campaign, *Hot Topic: Improving Teacher Preparation*, 2011.
- Data Quality Campaign, *Using Data to Improve Teacher Effectiveness: A Primer for State Policymakers*, 2011.
- National Council on Teacher Quality, *Trends and Early Lessons on Teacher Evaluation and Effectiveness Policies*, 2011.
- Teacher-Student Data Link Project, www.tsdl.org.

Data for Action is a powerful tool to inform efforts in education to better use data in decisionmaking. It is a series of analyses that highlight state progress and key priorities to promote the effective use of longitudinal data to improve student achievement. For more information, and to view Data for Action 2011: DQC's State Analysis, please visit www.DataQualityCampaign.org/stateanalysis/about.

Attachment D

Nevada ESEA Waiver Application

Talking Points

Nevada ESEA Waiver Application – Talking Points – Winter 2012

The U.S. Department of Education has offered all states the opportunity to apply for flexibility on certain requirements of the federal Elementary and Secondary Education Act (also known as the No Child Left Behind Act, or NCLB). The process requires that Nevada apply for this flexibility by submitting a waiver application. It is not a competition- all states may be granted a waiver if their application meets the required criteria. States may choose from three types of flexibility being offered. The first two options essentially push the timelines out for 100% student proficiency under an AYP construct. The third choice offers us the opportunity to significantly redesign the way our accountability system works, including the use of alternate measures such as growth and non-assessment indicators in determining student, school, district, and state success. Nevada will take this opportunity to build the type of school and educator accountability system that reflects our values.

In order to access this flexibility, the Nevada Department of Education must submit an application that articulates how we will use this flexibility to create a system that implements the following principles:

- College- and career-ready expectations for all students
- State-developed differentiated recognition, accountability, and support for schools and districts
- Supporting effective instruction and leadership
- Reducing duplication and unnecessary burden

There is a Need for Change

- The purpose of public education in Nevada is to meet the needs of all students in order to prepare them to be college and career ready. This purpose must be supported by an integrated and comprehensive accountability system, which has two essential aims – to ensure educators meet professional responsibilities and to support capacity building as part of a process of continuous improvement. The system will achieve this goal by aligning PreK-12 standards, curriculum, pedagogy, assessment, personnel evaluation, and professional development.
- The capacity building and alignment considerations described above cannot be achieved under the current requirements of NCLB. In order to achieve desired student outcomes, Nevada needs a waiver from the limiting conditions of current federal law.
- NCLB is outdated, has lost public credibility, and is impeding our efforts to ensure students exit high school ready for college and career success.
- AYP has functioned as a blunt instrument —with the same consequences for every school regardless of individual school needs — and has not leveraged identification of positive school and district practices to support effective replication. Nor has the current system supported the accurate diagnoses of school challenges in order to improve our lowest performing schools and close achievement gaps among student subpopulations. An approved waiver will enable us to shift our focus so that we move away from chiefly sorting and labeling schools to promoting a unified system of accountability and support with an emphasis on capacity building.
- Nevada statutes now require a different orientation in measuring and labeling the success of teachers and school administrators. It is systemically sound to align the ways that we measure school success and professional competence, lest we end up with a school that is hailed a success with a faculty or leadership that is deemed to be failing or vice versa.

High Expectations are Paramount to School Success

- It is important to note that the waiver is not intended to provide a retreat from accountability. Nevada will create our own system that is unique to local context so that we can be smarter and more focused in how we require low-performing schools and schools with achievement gaps to improve. This is an opportunity to innovate and develop locally tailored solutions to the unique educational challenges of each Nevada school district, school and child.
- The waiver will allow us to propose new annual targets for Nevada schools and student subgroups that are different than the mandates under current NCLB requirements (which project 100% proficiency for all students by the end of the 2013-14 school year). However, targets must still be rigorous in order to ensure equity for all students and for the application to be approved.

The Progress and Proficiency of Every Student is Foundational

- Nevada's system will pay concentrated attention to students' growth toward college and career readiness so that the learning of every student – from those who are excelling to those who are not meeting our expectations – is a priority

for schools to be deemed a success. Multiple measures are essential to accurately identify school (and individual educator) performance. Therefore a combination of indicators will be captured under a new accountability system, including growth in test scores, status (i.e., student proficiency on tests), gaps in achievement of various student subpopulations, as well as other non-tested measures such as school climate, graduation rates, and/or others because stakeholders have stated that successful schools are “more than merely their scores on one annual test.”

- Nevada will continue to disaggregate data to highlight the achievement gap among student sub-populations and will also require schools with the largest gaps to adopt research-based interventions and instructional strategies to close the gap while also increasing overall student achievement. With the combined goal of creating academic growth and closing achievement gaps, schools will be rewarded for success that matters: Ensuring the success of all students, especially those who are furthest behind.

School Consequences and Supports must be Individualized and Based on Specific Contextual Needs

- As part of the application, we must identify our state’s lowest-performing schools and mandate that school and district leaders create aggressive turnaround plans to address the individual needs of these schools, as well as identify and intervene in schools that have the largest achievement gaps.
- The ESEA flexibility is intended to build on existing state and federal efforts to better meet the unique needs of students, teachers, schools, and districts in rural locations by offering greater latitude in how federal dollars are targeted to improve student achievement. The new system of differentiated recognition, accountability, and support will allow districts to determine local solutions based on student needs unique to rural areas for the majority of their schools. Additionally, all districts will have more flexibility to use funds in ways that make sense by transferring funds between funding streams, while still protecting funds for the neediest students.
- Just as school differentiation is important, so too is a need to pay attention to priorities as established by district leaders in collaboration with local school boards. Federal guidance tells us that a framework must be established so that inter-district comparability exists, and yet some degree of flexibility is also important to Nevada leaders.

Collaboration is Essential in Application Development and Implementation

- Nevada School District Superintendents and Nevada Department of Education (NDE) leaders have been working in partnership to develop the concepts for inclusion in the waiver application. A Core Group has been established that includes state and district representatives, and that is guided by the Nevada Association of School Superintendents (NASS) and the NDE. The Core Group has developed draft documents for contemplation by NASS and NDE, who has given further feedback and direction to the Core Group to move the application forward. Additional representation from Nevada school districts exists in the 35-member Accountability Redesign Committee, to which all districts were invited, and that is serving as a respondent and shaper of system concepts.
- National experts familiar with the values and goals of Nevada educators have also been brought in to advise the process and bring in best practices from states across the nation.
- A public input survey has been developed and will be available for completion online in early January 2012. School district leaders will disseminate the survey link to local stakeholders and all teachers and administrators within the district. State leaders will share the link with partners who represent statewide organizations. The survey link will also be posted on the Nevada Department of Education website (www.doe.nv.gov).

Timeline

- Nevada will submit a waiver application to meet the 2nd round deadline of February 21, 2012. (Looking at the applications of the 11 states that submitted for the 1st deadline in November, 2011 is proving useful to informing Nevada's work.) A preliminary draft will be sent to a national assistance organization (the Council of Chief State School Officers-CCSSO) for feedback in January. Simultaneously, district and community stakeholders will continue to shape the system to ensure that we accurately identify school, district, and educator performance.
- The USDOE has committed to working with states to approve applications in this school year, so that Nevada may begin to see some relief from the one-size-fits-all mentality in the current school year, through our proposed adjustment of annual assessment targets. The impact will be fully felt at the beginning of the 2012-2013 school year, when NV Department of Education and school district leaders operationalize a new, more flexible way of intervening in and support our schools

Application Overview

Nevada's proposal will be based on the following **Next Generation Accountability Principles**:

Alignment of performance goals to college- and career-ready standards.

Nevada's accountability system will be aligned with college- and career-readiness state-adopted standards, to promote continuous growth for every student toward that performance level and beyond. We will set annual performance benchmarks at levels that are on track for each student to graduate from high school with both the rigorous content knowledge and high-order skills necessary for success in college and career, and further reflect and value continuous improvement for all schools and students to meet and exceed those expectations.

Building school and district capacity.

Nevada's system will focus on building state, district, and school capacity for significant and sustained improvement in student achievement toward college- and career-ready performance goals. This will require general systems of supports and interventions relevant to all schools and a focus on evaluation to ensure continuous improvement so that we have a system that grows and improves itself.

Annual determinations for each school and district.

We will make annual accountability determinations for all Nevada public schools and districts. These determinations will set a high bar for achievement and improvement for all students; make valid, reliable, and meaningful distinctions regarding the performance levels of schools and districts; and address both the current performance of the school or district and the extent to which that performance is improving.

Focus on student outcomes.

Initial accountability determinations will focus on student outcomes, including both status (i.e., proficiency) and growth toward college- and career- readiness, with students, subgroups, and/or schools performing below performance levels expected to make necessary improvement toward being on track to college- and career-ready graduation. Initial accountability measures will include improved assessments in reading and math, non-assessment measures such as graduation rates, and perhaps others to be determined in collaboration with state and district leaders. Future measures may include items such as additional college-ready assessments and college credit accumulation; college entry, remediation, and persistence rates; and/or career preparedness as measured by industry certifications or other measures.

Continued Commitment to Disaggregation.

We will continue to support disaggregation of student data for accountability determinations and reporting (such as by race, ethnicity, poverty, disability, and limited English proficiency), to help identify and address significant achievement gaps and ensure that the needs of particular subgroups are not masked by aggregate student achievement. This includes particular attention to schools with the lowest performing subgroups and/or the greatest gaps in performance.

Reporting of timely, actionable, and accessible data.

Data related to school and district performance will be reported in a manner that is timely, actionable, and accessible—to improve teaching and learning and support policy improvements at all levels. This includes disaggregated reporting of student outcome data as well as available input data and data on returns on investment—to promote efficiency and effectiveness.

Deeper diagnostic reviews.

Student outcomes will be the cornerstone of accountability. Moreover, Nevada's system will include, as appropriate, deeper analysis and diagnostic reviews of school and district performance, particularly for low-performing schools, to create a tighter link between initial accountability determinations and appropriate supports and interventions.

Targeting lowest performing schools.

We will propose an accountability system that holds all schools and districts accountable, yet significant interventions will be focused on at least the lowest performing five percent of schools (elementary and middle, and high schools) and their districts (in addition to targeted interventions to address the lowest performing subgroups and/or schools with the greatest achievement gaps). We will craft interventions that are rigorous, systemic, and context-specific in order to turn around the lowest performing schools on an urgent, ambitious, reasoned time line, with constant evaluation, sustained investment, and true results.

Attachment E

Governance Structures for Statewide Longitudinal Data Systems

Governance Structures for Statewide Longitudinal Data Systems (SLDS)

January 11, 2012

Nevada P-16 Advisory Council

Information Sources:

Data Quality Campaign and

Minnesota Department of Education

1

Data Governance – What Is It?

➤ Intra-Agency Governance

- Structures and processes that are developed and implemented to ensure that data is collected/reported/used properly within an agency.

➤ Inter-Agency Governance

- Structures and processes that are developed and implemented to ensure that data is linked and exchanged properly across state agencies.

2

Why develop a governance structure?

It is usually NOT a technical problem

- Data Governance is needed to solve the most complex barriers in linking and sharing data; it involves *getting stakeholder agreement*
- SLDS success depends on solid governance structures to:
 - Engage stakeholders
 - Identify data “champions
 - Ensure the right data are collected
 - Share data with appropriate individuals to drive decisions
 - Answer key questions about students, policies and interventions

3

Without strong governance . . .

“Yeah, sure we have an SLDS. We just rolled out our data warehouse.”

“Call the IT department and tell them to build us a data system.”

“This SLDS thing makes me uncomfortable. It’s just going to be used as Big Brother.”

“When we get our SLDS, we can kiss all our problems goodbye!”

4

Process and Structure

Data Governance is an *organizational process* and *operational structure* that establishes responsibility for data.

- It organizes program area staff to collaboratively and continuously improve data quality.
- It systematically creates and enforces policies, roles, responsibilities and procedures for collecting, sharing and publishing data.

5

P-20 Data Governance

Characteristics

- Authority granted through state statute, executive order or MOU
- Includes representatives from each core data contributor
- Has a mechanism for interacting with other stakeholders such as user and districts
- Primary audience includes executive, legislative, and SEA policymakers and data analysts and researchers

Roles and Responsibilities

- Develop policy questions and establish strategies for data analysis
- Define data integration requirements to measure policy effectiveness
- Determine how, what, when, and where cross-agency data are mapped, integrated and stored
- Develop common education data standards
- Establish privacy and security policies

6

Minnesota's Story

Keys to success

1. Internal (intra-agency) department of education data governance
2. Statutory authority to collect and share data
3. P-20 Partnership (inter-agency governance)
 - Authorization in statute with by-laws to define inter-agency mission and SLDS governance structure
 - Inter-agency working committees and groups with tasks defined in by-laws

7

Nevada's Governance Story

During an April 21, 2011 planning session with over 50 of Nevada's key education and policy leaders, the following theme emerged regarding governance:

"Nevada has basic core data capacity in key agencies, but much more must be done to ensure data from disparate systems can be connected and linked."

8

Governance Action Item Identified by Nevada Stakeholders

Establish a formal cross-agency governance structure that is representative, comprehensive and creative

- Need to include IT, policy and program people from all key agencies (DETR, NDE, NSHE, districts, parents, legislators, governor's office, early childhood, and technical colleges)
- Governing board members must have authority to make decisions
- A cross-agency leader must be identified

9

Next Steps for P-16 Council

- Look at current models and adapt for Nevada to establish a recommendation regarding a cross-agency data governance structure with the *authority* to coordinate the political will, technical expertise and collaboration necessary to guide linking systems, matching data and sharing information across the P-20 spectrum
- Consider mechanism for establishing data governance (new legislation, reconfigured P-16 Council, executive order??)
- Identify characteristics of governance structure, as well as roles and responsibilities.

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